

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LAWRENCE DALE FOSTER,

Plaintiff,

v.

Case Number 10-12618-BC
Honorable Thomas L. Ludington

LYNETTE MULKEY, Ogemaw
County Magistrate,

Defendant.

_____ /

**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION
AND DISMISSING PLAINTIFF’S COMPLAINT**

Magistrate Judge Charles E. Binder issued a report and recommendation [Dkt. # 6] on July 13, 2010, recommending that Plaintiff’s complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(iii) because it seeks monetary relief from a defendant who is immune from suit. Any party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a “de novo determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that the Judge Binder’s report and recommendation [Dkt. # 6] is **ADOPTED**.

It is further **ORDERED** that Plaintiff's complaint [Dkt. # 1] is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: September 7, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 7, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS